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a corporation organized and existing un-

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

EDAG Engineering GmbH,

**Petitioner.**

v.

BYTON North America Corporation,

## **Respondent**

**Case No. 3:21-cv-04736-EMC**

**ORDER TO CONFIRM STIPULATION**

**TO RESET DATES FOR HEARING**

**MOTION TO AMEND (DOC. # 71 AND #**

**72) PURSUANT TO LOCAL RULE 7-12**

**AND RESETTING DATES FOR**

**OPPOSITION AND REPLY THEREOF**

Judge: Honorable Edward M. Chen [Video-ZOOM hearing)

Petition Filed: June 23, 2021

**ORDER TO CONFIRM STIPULATION TO RESET DATES FOR HEARING MOTION TO  
AMEND (DOC. # 71 AND # 72) PURSUANT TO LOCAL RULE 7-12 AND RESETTING  
DATES FOR OPPOSITION AND REPLY THEREOF**

PURSUANT TO STIPULATION BY AND BETWEEN PLAINTIFF EDAG  
1  
ENGINEERING GMBH AND DEFENDANT BYTON NORTH AMERICA CORPORATION TO  
2  
RESET HEARING ON THE MOTION TO AMEND (DOC. # 71 & #72), AND RELATED  
3  
PENDING MOTION WHICH WERE ADVANCED TO THE HEARING DATE FOR THE  
4  
MOTION TO AMEND, AND GOOD CAUSE, AND THEREFORE:

5 IT IS SO ORDERED:

6 1. The current hearing date for the Motion to Amend (Doc. # 71 and #72) is set for  
7 September 29, 2022, set by the court, based on Application (Local Rule 7-11) for September 29,  
8 2022. (Doc. # 166)

9 2. Pursuant to Local Rule 7-11(b), the EDAG Engineering GmbH ("EDAG") and Byton  
10 North America Corporation ("Byton N.A.") have stipulated to the resetting the current date of  
11 September 29, 2022, and the dates of August 25, 2022 to file an Amended Motion to Amend  
12 thereof, September 8, 2022 for opposition thereof, and September 15, 2022 for the reply thereof, and  
to a new date of January 26, 2023, and the parties hereof stipulate to the following dates below:

13 A. In addition to any prior relief (Doc. # 166), to incorporate the same in its entirety, and  
14 the resetting of hearing of September 29, 2022 to January 26, 2023 to allow EDAG to supplement  
15 and amend the Motion to Amend with any and all new arguments, and all new evidence, i.e.  
testimony from various pending depositions (Breitfeld and Oto among many others), and the  
16 production of any and all current and new records, no matter what, and provide new arguments and  
17 evidence, any records and testimony therein thereof.

18 B. "Orders in Abeyance" from previous Motions, and like orders, for the following:  
19 Orders: Doc. #89 and # 169, or any other Orders held in Abeyance thereof, and that the Orders of  
20 Abeyance are pending with concurrence to the pending Motion to Amend (Doc. # 71 & # 72) and  
21 integrated and made a part thereof and incorporated therein of the new date of January 26, 2023.

22 C. Set the new date(s) for the hearing on January 26, 2023 with the following dates:

23 1. Date for the filing of the EDAG Amended, Supplemental and New Motion to Amend  
(#71 and #72), and any and all new and additional arguments, and all new and additional  
24 declarations, depositions, testimony, memorandum, and evidence, and the like thereof, on December  
25 22, 2022.

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- 1       2. Date for the filing of the Opposition by Byton N.A. would be January 5, 2023.  
2       3. Date for the filing of the EDAG's reply would be January 12, 2023.

3                  **PURSUANT TO STIPULATION, IT SO ORDERED.** (<sup>August</sup> July 1, 2022)

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7                  EDWARD M. CHEN  
8                  JUDGE OF THE UNITED STATES  
9                  DISTRICT COURT N.D. CA

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